

House Public Service Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 1038\***

**House Bill No. 1365**

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION 6. Tennessee Code Annotated, Section 68-102-308, is amended by deleting subdivision (c)(2) in its entirety.



0123464501



\*006156\*

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 918\***

**House Bill No. 1319**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-1-406, is amended by adding the following as a new subsection:

(c)

(1) The United States flag and the official state flag must be displayed continuously on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions.

(2) A flag other than the United States flag and the official state flag shall not be displayed continuously on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions.

Flags representing a club, society, or organization may only be displayed on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions, for the period of time for which the entity is meeting or performing an authorized function on the property.

(3) Subdivision (c)(2) does not:

(A) Apply to a flag protected by § 4-1-412;

(B) Prohibit the P.O.W.-M.I.A. flag from being displayed pursuant to title 58, chapter 4, part 3;

(C) Prohibit a department or agency of this state from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day"; or



0383068317



\*006064\*

(D) Prohibit a department or agency of this state, or an institution for postsecondary or higher education, from flying its official flag.

(4) As used in this subsection (c), "political subdivision" has the same meaning as defined in subsection (b).

SECTION 2. Tennessee Code Annotated, Section 5-7-109, is amended by deleting subsection (a) and substituting instead the following:

(a) A county mayor of a county whose courthouse is equipped with a flag pole has the right to request and be furnished with a flag of the state of Tennessee, which must be displayed continuously by the county authority pursuant to § 4-1-406(c).

SECTION 3. Tennessee Code Annotated, Section 49-6-2005, is amended by deleting the section and substituting instead the following:

(a) The United States flag and the official state flag must be displayed continuously on each public school building. The local board of education shall purchase at wholesale prices, on competitive bids, as many flags as needed for the various schools and to pay for them out of the public school funds.

(b) A flag other than the United States flag and the official state flag shall not be displayed continuously on a public school building. Flags representing a club, society, or organization may only be displayed on a public school building for the period of time for which the entity is meeting or performing an authorized function on school property.

(c) Subsection (b) does not:

(1) Apply to a flag protected by § 4-1-412;

(2) Prohibit the P.O.W.-M.I.A. flag from being displayed pursuant to title 58, chapter 4, part 3;

(3) Prohibit a public school from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day"; or

(4) Prohibit a public school from flying its official school flag.

(d) In order to ensure uniformity in the quality of the flags displayed and the flag's adaptability to the size of the building on which it is displayed, the commissioner of education shall specify the size and quality of flags to be purchased and outline rules and regulations for the proper care, display, and observance of the flags.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1323**

**House Bill No. 707\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-8-111(a)(1), is amended by deleting the language "eight hundred dollars (\$800)" and substituting instead the language "one thousand two hundred dollars (\$1,200)".

SECTION 2. Tennessee Code Annotated, Section 8-36-205(a)(1), is amended by deleting the language "sixty (60) years of age" and substituting instead the language "sixty-five (65) years of age".

SECTION 3. Tennessee Code Annotated, Section 8-36-205(a)(2), is amended by designating the existing language as subdivision (a)(2)(A) and adding the following as a new subdivision (a)(2)(B):

(B) Notwithstanding subdivision (a)(2)(A), a political subdivision participating in the Tennessee consolidated retirement system may establish an extended mandatory age requirement pursuant to this subdivision (a)(2)(B) for members who are employed as police officers with, or who have been transferred from such a position to a supervisory or administrative position within the police department; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the respective political subdivision shall determine whether the member is employed in a position requiring the mandatory retirement of the member under this subdivision (a)(2)(B). In making any such determination, the political subdivision shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. The political subdivision may



0918824313



\*003495\*

establish an extended mandatory retirement age requirement for all its police officers and for all its employees who have been transferred from the position of a police officer to a supervisory or administrative position within their respective agency subject to the following:

- (i) The terms and conditions of the extended mandatory retirement age requirement must be the same for all such employees within its employ;
- (ii) The extended mandatory retirement age requirement must not be less than sixty-five (65) years of age;
- (iii) Each such employee shall be retired on the first day of the month following the month in which the employee attains the extended mandatory retirement age requirement established by the political subdivision;
- (iv) Each such employee is entitled to the extended supplemental bridge benefit established pursuant to § 8-36-211(b)(2); and
- (v) The chief governing body of the political subdivision must pass a resolution authorizing the establishment of the extended mandatory retirement age requirement, and the resolution must further contain an authorization granting the extended supplemental bridge benefit and the acceptance by the political subdivision of the liability associated with the bridge benefit. All costs associated with providing the supplemental benefit must be paid by the political subdivision and not by the state. Notwithstanding this section or another law to the contrary, the terms of a resolution to adopt an extended mandatory retirement age requirement pursuant to this subdivision (a)(2)(B) may include, at the option of the political subdivision, the deferral of the effective date of the mandatory retirement age requirement up to the July 1 next following the passage of twelve (12) months from the effective date of the resolution; provided, however, that a deferral shall not impact the right, if any, that a member may

otherwise have to receive the extended supplemental bridge benefit provided for in § 8-36-211(b)(2).

SECTION 4. Tennessee Code Annotated, Section 8-36-205(a)(3)(A), is amended by deleting the language "sixty (60) years of age" wherever it appears and substituting instead the language "sixty-five (65) years of age"; and is further amended by deleting the language "age requirement for receipt of old age and survivors benefits" and substituting instead the language "age requirement for receipt of full old age and survivors benefits".

SECTION 5. Tennessee Code Annotated, Section 8-36-205(a)(3)(B), is amended by deleting the language "subdivision (a)(2)" wherever it appears and substituting instead the language "subdivision (a)(2)(A)".

SECTION 6. Tennessee Code Annotated, Section 8-36-205(a)(3)(B), is amended by redesignating the existing language as subdivision (a)(3)(B)(i) and adding the following as a new subdivision (a)(3)(B)(ii):

(ii) Notwithstanding this section to the contrary, any member employed in a position requiring mandatory retirement under subdivision (a)(2)(B) shall be retired on the first day of the month following the month in which the member attains the extended mandatory retirement age requirement established by the political subdivision under subdivision (a)(2)(B), unless the respective political subdivision determines that the member serves in a supervisory or administrative position that requires less than fifty percent (50%) of the member's duties to be involved in day-to-day law enforcement activities. Upon such determination by the respective political subdivision, the member may continue in service until the first day of the month following the month in which the member reaches the extended mandatory retirement age requirement for receipt of full old age and survivors benefits under Title II of the Federal Social Security Act; provided, that the member acknowledges that by continuing in service the member forfeits any rights to retirement benefits, including any supplemental bridge benefit provided for in § 8-36-211, during the period of the member's continued service. The acknowledgment

must be made in the manner prescribed by the retirement division and must be filed with the retirement division on or before the first day of the month prior to the month in which the member attains the extended mandatory retirement age requirement established by the political subdivision under subdivision (a)(2)(B). A member who fails to file the acknowledgment at the time and in the manner prescribed by this subdivision (a)(3)(B)(ii) shall be retired on the first day of the month following the month in which the member attains the extended mandatory retirement age requirement established by the political subdivision under subdivision (a)(2)(B).

SECTION 7. Tennessee Code Annotated, Section 8-36-211(b), is amended by deleting the language "§ 8-36-205(a)(2)" and substituting instead the language "§ 8-36-205(a)(2)(A)".

SECTION 8. Tennessee Code Annotated, Section 8-36-211(b), is amended by redesignating the existing language as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2) An extended supplemental bridge benefit must further be paid to any Group 1 member who retires on a service retirement allowance with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B), if the political subdivision for which the service was rendered adopts an extended mandatory retirement age requirement pursuant to § 8-36-205(a)(2)(B). The supplemental benefit must be paid only if the extended mandatory retirement age requirement adopted by the political subdivision is sixty-five (65) years of age or older, but less than the age requirement for receipt of full old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. § 401 et seq.). The extended supplemental benefit is calculated as follows:

(A) For a member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit is equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a



Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B); or

(B) For a member retiring on an early service retirement allowance pursuant to § 8-36-301, the supplemental bridge benefit is computed in accordance with subdivision (b)(1), but must be reduced by four-tenths of one percent (0.4%) for each month by which the member's date of early service retirement precedes the member's service retirement date.

SECTION 9. Tennessee Code Annotated, Section 8-36-211(f), is amended by deleting the language "(a)(2)" and substituting instead the language "(a)(2)(A)" in subdivision (2) and by adding the following new subdivisions:

(4) Effective July 1, 2023, for members who are eligible for the supplemental bridge benefit based solely on creditable service rendered pursuant to § 8-36-205(a)(1) and who retire on or after that date, the supplemental bridge benefit must commence on the member's effective date of retirement or on the first day of the month following the month the member reaches sixty (60) years of age, whichever is later; and

(5) Effective July 1, 2023, for members who are eligible for the extended supplemental bridge benefit based solely on creditable service rendered pursuant to § 8-36-205(a)(2) and who retire on or after that date, the extended supplemental bridge benefit must commence on the member's effective date of retirement or on the first day of the month following the month the member reaches sixty (60) years of age, whichever is later; provided, that this subdivision (f)(5) does not apply to any member who is eligible for the extended supplemental bridge benefit based solely on creditable service rendered pursuant to § 8-36-205(a)(2)(B), unless the chief governing body of the political subdivision passes a resolution accepting the associated liability and cost to provide those benefits.

SECTION 10. Tennessee Code Annotated, Section 8-36-211(f)(3), is amended by deleting the subdivision and substituting instead the following:

(A) Except as provided in subdivision (f)(3)(B), the supplemental bridge benefit and any cost-of-living adjustments attributable to that benefit must cease on the first day of the month following the month in which the member dies, or on the first day of the month following the month in which the member reaches the age requirement for receipt of old age and survivors benefits under Title II of the federal Social Security Act, whichever occurs first; and

(B) A supplemental bridge benefit, or extended supplemental bridge benefit, received pursuant to subdivision (f)(4) or (5) and any cost-of-living adjustments attributable to that benefit must cease on the first day of the month following the month in which the member dies, or on the first day of the month following the month in which the member reaches the age requirement for receipt of full old age and survivors benefits under Title II of the federal Social Security Act, whichever occurs first;

SECTION 11. Tennessee Code Annotated, Section 8-36-211(g), is amended by deleting the subsection and substituting instead the following:

(1) The supplemental bridge benefit provided by this section applies to all current and future retired members; provided, that the benefit must not be paid retroactively.

(2) Subdivision (f)(1) is effective beginning July 1, 1998, for service covered under subsection (a), or upon the effective date of the mandatory retirement age provision for service covered under subdivision (b)(1).

(3) Subdivision (f)(2) is effective beginning July 1, 2007, for service covered under subsection (a), or upon the effective date of the resolution adopted pursuant to subdivision (f)(2) for service covered under subdivision (b)(1).

(4) Subdivisions (f)(3)(B), (f)(4), and (f)(5) are effective beginning July 1, 2023, for service covered under subsection (a), or upon the effective date of the resolution adopted pursuant to subdivision (f)(5) for service covered under subdivision (b)(2).

SECTION 12. Tennessee Code Annotated, Section 8-35-255(c), is amended by deleting the subsection and substituting instead the following:

Except as otherwise provided in this subsection (c), a member in the alternate defined benefit plan is eligible for service retirement upon attainment of sixty-five (65) years of age and upon completion of five (5) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal ninety (90). A member serving in a position covered by the mandatory retirement provisions of § 8-36-205 is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(A) and who is entitled to the supplemental bridge benefit established pursuant to § 8-36-211(f)(2) is eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B) and who is entitled to the extended supplemental bridge benefit established pursuant to § 8-36-211(f)(5) is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of twenty-five (25) years of creditable service. The service rendered while the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2) is independent of all other creditable service for the purpose of calculating the member's retirement benefits under subsection (a). Section 8-36-211(b)(2) shall not apply in calculating the supplemental bridge benefit or extended supplemental bridge benefit for members covered by the mandatory retirement provisions of § 8-36-205(a)(2) who retire on an early service retirement allowance pursuant to this subsection (c). Instead, the supplemental bridge benefit or extended supplemental bridge benefit is equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years

of creditable service when the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2), but reduced by an actuarially determined factor as set by the board from time to time.

SECTION 13. Tennessee Code Annotated, Section 8-35-256(c), is amended by deleting the subsection and substituting instead the following:

Except as otherwise provided in this subsection (c), a member in the hybrid plan is eligible for service retirement upon attainment of sixty-five (65) years of age and upon completion of five (5) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal ninety (90). A member serving in a position covered by the mandatory retirement provisions of § 8-36-205 is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(A) and who is entitled to the supplemental bridge benefit established pursuant to § 8-36-211(f)(2) is eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B) and who is entitled to the extended supplemental bridge benefit established pursuant to § 8-36-211(f)(5) is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of twenty-five (25) years of creditable service. The service rendered while the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2) is independent of all other creditable service for the purpose of calculating the member's retirement benefits under subsection (a). Section 8-36-211(b)(2) shall not apply in calculating the supplemental bridge benefit or extended supplemental bridge benefit for members covered by the mandatory retirement provisions of § 8-36-205(a)(2) who retire on an early service retirement allowance

pursuant to this subsection (c). Instead, the supplemental bridge benefit or extended supplemental bridge benefit is equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service when the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2), but reduced by an actuarially determined factor as set by the board from time to time.

SECTION 14. Tennessee Code Annotated, Title 8, Chapter 36, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding this chapter to the contrary, a member who is:

(1) A participant in the legacy pension plan and serving in a law enforcement position covered by the mandatory retirement provisions of § 8-36-205 shall receive a total base benefit improvement percentage of nineteen percent (19%) upon completion of fifteen (15) or more years of service in such a position. This base benefit improvement percentage is in lieu of any other base benefit improvement percentage authorized pursuant to this chapter and applies to all years of service in such a position once the fifteen-year threshold is attained; or

(2) A participant in the hybrid pension plan and serving in a law enforcement position covered by the mandatory retirement provisions of § 8-36-205 shall receive a total base benefit improvement percentage of twenty-one percent (21%) upon completion of fifteen (15) or more years of service in such a position. This base benefit improvement percentage is in lieu of any other base benefit improvement percentage authorized pursuant to this chapter and applies to all years of service in such a position once the fifteen-year threshold is attained.

(b) Any base benefit improvement increase authorized pursuant to this section shall not apply to employees of employers participating in the retirement system

pursuant to chapter 35, part 2 of this title, unless the governing body of the employer, after receipt of the liability information from the retirement system, passes a resolution authorizing the increase and accepting the liability thereof.

SECTION 15. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 436\***

**House Bill No. 1135**

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 8-36-209(b), is amended by adding the following new subdivisions:

(5)

(A) For members of the general assembly who retire on or after November 5, 2024, with ten (10) or more years of service, the minimum allowance provided by this subsection (b) must not be less than one thousand four hundred forty dollars (\$1,440) multiplied by the number of years of creditable service. Section 8-36-702 does not apply to the benefit provided under this subdivision (b)(5).

(B) The beneficiaries of benefits provided in this subdivision (b)(5) may elect to receive an amount less than the amount that the beneficiary is otherwise eligible to receive; provided, that the election is in writing and irrevocable.

SECTION 2. Tennessee Code Annotated, Section 8-36-209(b)(4)(A), is amended by deleting "Effective November 8, 1988," and substituting instead "Except as provided in subdivision (b)(5), effective November 8, 1988,".

SECTION 3. Tennessee Code Annotated, Section 8-36-909(c)(1), is amended by deleting "except as provided in subsection (e)" and substituting instead "except as provided in subdivision (c)(1)(B) and subsection (e)".

SECTION 4. Tennessee Code Annotated, Section 8-36-909(c)(1), is amended by designating the language as new subdivision (A) and adding the following new subdivision (B):



0068630444



\*005177\*

(B) For members of the general assembly who retire on or after November 5, 2024, with ten (10) or more years of service, the minimum retirement allowance payable under the defined benefit component with respect to creditable service rendered as a member of the general assembly must not be less than seventy dollars (\$70.00) per month for each year of creditable service adjusted on July 1, 2025, and on each July 1 thereafter pursuant to the cost-of-living provisions in § 8-36-701(b)(1) and (2) except as provided in subsection (e).

SECTION 5. Tennessee Code Annotated, Section 8-36-715(e)(1), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision (B):

(B) On July 1, 2025, and on each July 1 thereafter, the minimum retirement allowance provided for in § 8-36-209(b)(5)(A) must be adjusted pursuant to the cost-of-living provisions in § 8-36-701(b)(1) and (2) until the person has been retired from the retirement system for twelve (12) months on July 1 next following the December 31 as of which the adjustment is determined.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.



House Public Service Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 561\***

**House Bill No. 1517**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 64-9-104(a)(10), is amended by deleting the subdivision and substituting:

(10) Enter into agreements with local governments, pursuant to title 12, chapter 9, or industrial development corporations, pursuant to title 7, chapter 53, regarding the provision of governmental services to the megasite and the distribution to local governments or industrial development corporations of payments in lieu of ad valorem property taxes;

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



0903728701



\*005700\*